

District V Advisory Board Minutes
September 19, 2016
www.wichita.gov

The District V Advisory Board meeting was held at 6:30 p.m. at Fire Station #21 located at 2110 N. 135th St W., Wichita, KS 67235.

ATTENDANCE

Members Present

Ben Bradley
 Jose Gutierrez
 JV Johnston
 Ben Kittrell
 Trevor Kurth
 Troy Palmer
 Roman Rodriguez
 Alissa Unruh
 Council Member Bryan Frye

Staff Present

Kathy Morgan, Senior Planner, MAPD
 Laura Rainwater, Community Rep.

Guests

See list at end of Minutes

Members Absent

Angela Breer
 Barby Jobe
 Jill Kerschen

ORDER OF BUSINESS

Call to Order: The meeting was called to order by **JV Johnston**
 Approval of minutes from September 6, 2016: Approved 8-0
 Approval of September 19, 2016 Agenda: Approved 8-0

Board Agenda

None

Public Agenda Items

None

Off-Agenda Items

None

Old Business

ZON2016-00037 & CUP2016-00028: Kathy Morgan, Senior Planner, Metropolitan Area Planning Department, presented the requests for City zone change from SF-5 Single-family Residential and GO General Office to LC Limited Commercial, associated with an amendment of the Highland Springs CUP DP-233 (CUP2016-28), which is a request for City amendment of Highland Springs CUP DP-233, associated with a zone change from SF-5 Single-family Residential and GO General Office to LC Limited Commercial (ZON2016-37), generally located south of W. Central and west of 135th Street W.

In attendance was **Russ Ewy**, Baughman Company, agent for the applicant, and approximately 13 impacted property owners. Complete guest list is attached to this report.

At the Sept. 6 DAB V meeting, Board members voted to **DEFER** the case until Sept. 19 to allow the agent for the applicant and impacted property owners a chance to reach a compromise.

Ewy addressed the Board. He indicated he had met with impacted property owners on Sept. 14 to address their concerns over the zone change and future development site. Issues addressed included:

- Screening and land use – increase wall height from six feet to eight along south line of Parcel 4
- Limit hours of trash pick-up from 6:00 am – 10:00 pm
- Increase setback for trash from 25 feet to 50 feet
- Zone parcel 4 GO (General Office) limited to NO (Neighborhood Office)
- Limit the number of access points and allow for ancillary parking

The following property owners addressed the Board and voiced their concerns:

- **Bob Lamberger**, 13738 W. Hardtner Ct.
 - Wants eight-foot fence constructed the entire length of Highland Springs Addition (Parcels 4 and 1) to protect the neighborhood.
 - Prohibit trucks from idling.
 - Zone Parcel 3 NO (Neighborhood Office) instead of LC.
 - Additional restrictions on trash pick-up.
- **Lori Marceau**, 431 N. 135th
 - Staff Report is not comprehensive of history of zoning on these Parcels which goes back to 1998
 - Staff report needs to be rewritten to reflect the failed attempt to pass Council by supermajority. vote in 1998. Petitioner took it to District Court. District Court order in 1999 dictated the zoning for these parcels. No one has the authority to change the District Court order made in 1999.
- **Chris Latham**, 605 N. Forestview Ct.
 - Concern over noise which would impact his property across from Parcel 3
 - The applicant knew how this was zoned when they bought the property
 - The current zoning in place is to protect the adjacent property owners
 - The applicant also owns the southeast corner of the intersection and the neighborhood fears they will then request a zone change for it down the road
 - Please reject these amendments to the CUP unless applicant will agree to the requests of the impacted property owners

Ewy responded to their concerns:

- Council voted 5-2 in favor of the zone change back in 1998. It failed to pass by one vote.
- The applicant is well within their legal rights to make an application for a zone change
- Central used to be 200 feet closer to Rainbow Lakes which would have brought traffic very close to residential. Since it has been moved to the north, that is no longer the case.
- The southeast corner of the intersection is no relevance. The applicant owns thousands of acres across the county/state. The southeast corner is not part of the application.

Questions from DAB members:

- **DAB:** Will it be a 6' fence plus 2' berm or will it be an 8' wall?
Ewy: Applicant agrees to an 8' wall along south line of Parcel 4. The rest will be 6'
- **DAB:** Do we know what kind of business/industry?
Ewy: No, it's a land use decision. Parcel 4 will be limited to NO (Neighborhood Office) restrictions.

Action Taken: **Palmer** motioned to **APPROVE** the request with the following conditions as set forth by applicant for Parcels 2, 3 and 4:

1. An eight (8) foot high concrete wall shall be constructed along the south property line of Parcel 4 where adjacent to residential zoning.
2. Trash receptacles, loading docks, outdoor storage and loading areas shall be appropriately screened, with similar materials to the main building, to reasonably hide them from ground view, and shall be

prohibited within 50 feet of residential-zoned property within Parcel 4. Trash collection shall be limited to between the hours of 6:00 am to 10:00 pm within Parcel 4.

3. Existing Parcels 1-3, 5 and 6 (proposed Parcels 1-3) shall be zoned “LC” Limited Commercial. Parcel 4 shall be zoned “GO” General Office and limited to the use and development standards of the “NO” Neighborhood Office zoning district, with the allowance of ancillary parking to serve the CUP.

Unruh seconded the motion.

Motion **PASSED** 7-0-1 (abstention due to conflict of interest).

Meeting adjourned at 7:20 p.m.

The next District V Advisory Board meeting will be held at 6:30 p.m. on **Monday, October 3, 2016**, at Fire Station #21, located at 2110 N. 135th St W., Wichita, KS 67235.

Guest List

Lori Marceau
Chris Latham
Bob Lamberger
Ron & Jan Mueller
Matt & Ray Lynn Carr
Steven & Lisa Schulte
Gary Reichuber
Becky Twietmeyer
Pat & Stacie Kraus